

Article - Real Property

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§12-207.

(a) If a displacing agency acquires real property, it shall be guided to the greatest extent feasible by the policies set forth in this section.

(b) The displacing agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(c) (1) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(2) However, the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

(d) (1) Before the initiation of negotiations for real property, the displacing agency concerned shall establish an amount which it believes to be just compensation and shall make a prompt offer to acquire the real property for the full amount so established.

(2) This amount may not be less than the displacing agency's approved appraisal of the fair market value of the real property.

(3) The displacing agency concerned shall provide the owner of the real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation.

(4) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be stated separately.

(e) No owner may be required to surrender possession of real property before the displacing agency concerned pays the agreed purchase price, or deposits with the court in accordance with applicable law, for the benefit of the owner, an amount not less than the displacing agency's approved appraisal of the fair market value of the real property, or the amount of the award of compensation in the condemnation proceeding for the real property.

(f) (1) The construction or development of a public improvement shall be so scheduled that, to the greatest extent feasible, no person lawfully occupying real

property is required to move from a dwelling, assuming a replacement dwelling as required by §§ 12-202 through 12-204 of this subtitle will be available, or to move his business or farm operation, without at least 90 days' written notice from the displacing agency concerned.

(2) Except under conditions described in § 12-206(b)(3)(i), (ii), and (iii) of this subtitle, the date by which the move is required may be given in a separate notice.

(g) If the displacing agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the displacing agency on short notice, the amount of rent required may not exceed the fair rental value of the real property to a short-term occupier.

(h) The displacing agency may not advance the time of condemnation, defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the real property.

(i) If any interest in real property is to be acquired by exercise of the power of eminent domain, the displacing agency concerned shall institute a formal condemnation proceeding. No displacing agency or person intentionally may make it necessary for an owner to institute a legal proceeding to prove the fact of the taking of his real property.

(j) If the acquisition of only part of the real property would leave its owner with an uneconomic remnant, the displacing agency concerned shall offer to acquire the entire real property.

(k) After the person has been fully informed of his right to receive just compensation for that property, a person whose real property is being acquired in accordance with this subtitle may donate the property, any part thereof, any interest therein, or any compensation paid therefor to a State agency, as that person shall determine.

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